

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Case No. 4:19-cv-00415
v.)	
)	Filed Electronically
ALEXANDRU BITTNER,)	
Defendant.)	

JOINT STATUS REPORT

Defendant, Alexandru Bittner and Plaintiff the United States of America (collectively, the “Parties”), pursuant to the Court’s February 1, 2022 order (Dkt. 99) file this joint status report as follows:

1. As the Court noted in its order, the Fifth Circuit reversed this Court’s decision regarding computation of the \$10,000 penalty under 31 U.S.C. § 5321(a)(5)(C). As a result of this decision, Mr. Bittner has engaged additional counsel in order to seek Supreme Court consideration.

2. Mr. Bittner’s deadline to file a petition for a writ of certiorari is February 28, 2022. Notably, as a result of the Fifth Circuit decision there is a split of authority between the circuit courts. *See United States v. Bittner*, 19 F.4th 734, 738 (5th Cir. 2021); *United States v. Boyd*, 991 F.3d 1077, 1079 (9th Cir. 2021). Based on this circuit split, the the Supreme Court could grant Mr. Bittner’s petition.

3. Thus, the Parties respectfully request that the Court stay this case until the Supreme Court issues a decision regarding Mr. Bittner’s petition for a writ of certiorari. Further,

should the petition be granted, the Parties will file a motion for an extended stay until the Supreme Court issues their ultimate decision.

Dated: February 10, 2022

Respectfully submitted,

By: /s/ Farley P. Katz

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 10, 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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